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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/064,320	07/02/2002	Par Martinsson	02303.0005.PCUS00	8274

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EXAMINER

CHIESA, RICHARD L

ART UNIT

PAPER NUMBER

1724

DATE MAILED: 12/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/064,320

Applicant(s)

MARTINSSON ET AL.

Examiner

Richard L. Chiesa

Art Unit

1724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 27 October 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) 5, 11, 13-19, 22, 25, 27-30, 33, 36, 40, 42, 43, 47 and 48 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-4, 6-10, 12, 20, 21, 23, 24, 26, 31, 32, 34, 35, 37-39 and 41 is/are allowed.
- 6) ☒ Claim(s) 44-46 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-48 are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 July 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicants' election with traverse of species G (Figures 11 and 12) in the paper filed on October 27, 2003 is acknowledged. The traversal is on the ground(s) that applicants assert the presence of generic claims. This is not found persuasive because applicants have apparently not identified which claims are generic.

The requirement is still deemed proper and is therefore made FINAL.

2. Claims 5, 11, 13-19, 22, 25, 27-30, 33, 36, 40, 42, 43, 47, and 48 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to nonelected species. Applicants timely traversed the election requirement in the paper filed on October 27, 2003.

### ***Priority***

3. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Specification***

4. The disclosure is objected to because of the following informalities: (A) The word "later" (paragraph 0004, line 3) should apparently be changed to --latter--. (B) The word "steam" (paragraph 0006, line 4) should apparently be changed to --stream--. (C) The word "axel" (paragraph 0025, lines 7, 8, and 10) should apparently be changed to --axle--.

Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicants are advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 44-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iwai. Iwai shows in Figures 1 and 2 a scavenging air transfer member having a longitudinally extending scavenging air channel 17 parallel to combustion air channel 10a and a valve assembly 19 with axle 19a substantially as claimed. It would appear that Iwai may not explicitly state that the scavenging air transfer member is part of a "flange assembly". However, it would have been readily obvious to one having ordinary skill in the art upon just a mere cursory inspection of

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Figure 2 that it is part of a unitary flange piece of equipment which is installed on the side surface enclosing passages 17a of a carburetor. It is noted that the word "axel" in the second line of claim 45 should apparently be changed to --axle--.

***Allowable Subject Matter***

8. Claims 1-4, 6-10, 12, 20, 21, 23, 24, 26, 31, 32, 34, 35, 37-39, and 41 are allowed. It is noted that the word "axel" (claim 8, line 2; claim 10, lines 2 and 3; claim 38, line 2; claim 39, lines 2 and 3) should apparently be changed to --axle--.

9. As allowable subject matter has been indicated, applicants' reply must either comply with all formal requirements or specifically traverse each requirement not complied with. See 37 CFR 1.111(b) and MPEP § 707.07(a).

10. The following is a statement of reasons for the indication of allowable subject matter: The prior art fails to teach or fairly suggest the recited flange assembly with the thin-body flange, scavenging air aperture, and valve assembly in the recited positioning and operative relationship.

***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicants' disclosure. These references have been cited as art of interest to show other carburetors and/or valve assemblies.

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12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard L. Chiesa whose telephone number is (703) 308-3791.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Blaine R. Copenheaver, can be reached at (703) 308-1261.

Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center 1700 receptionist whose telephone number is (703) 308-0661.

Facsimile correspondence must be transmitted through (703) 872-9306.

Richard L. Chiesa  
December 7, 2003

*Richard L. Chiesa*

**RICHARD L. CHIESA  
PRIMARY EXAMINER  
ART UNIT 1724**

*Dec. 7, 2003*